

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING – APRIL 2, 2013**

The meeting was called to order at 9:00 A.M. with Commissioners Kasian and Kessel in attendance. Commissioner Arthaud was absent.

Others present during portions of the meeting were: Pat Rummel, Keri Klang, Dave Patience, John Hild, Clarence Sitter, Jeff King, Jim Haag, Ron Arth, Roy Krivoruchka, Jay Brovold, Russell Sorenson, Doug Ellison, Donna Adams, Richard Volesky.

Kessel moved to approve the minutes from the March 5, 2013 regular meeting. Kasian seconded. All voted aye.

Keri Klang approached the board with a request to cost share a paramedic with Beach Ambulance Service due to staffing issues. Billings County currently cost shares two paramedics and have one grant funded paramedic. Beach's current staff is one paramedic. Keri will gather more information and visit with them and will come back to the commissioners with more information and a memorandum of understanding for review.

After review of the American Foundation for Wildlife gaming permit for Club 85. Kessel moved to approve the permit. Kasian seconded. All voted aye.

After discussion, Kasian moved to award the District 3 bid for scoria crushing in SW1/4 Section 7-139-102 from the March 5, 2013 Commission meeting to Meyer Aggregate who had the low bid of \$81,250.00. Kessel seconded. All voted aye.

The board reviewed a division order from Whiting Oil & Gas. Kessel moved to sign the division order. Kasian seconded. All voted aye.

The board reviewed zoning requests that had been addressed by the zoning board at their March 21, 2013 meeting as follows:

Randal Schwartz: Application for a conditional use permit to mine scoria in section 11-143-98. Property is zoned agricultural and owned by Thomas & Nancy Grosulak. Discussion ensued regarding setbacks which are in line. District 1 road foreman Jim Haag gave his approval. The zoning board approved this application. Kessel moved to uphold the zoning board decision. Kasian seconded. All voted aye.

Roger & Naomi Rossow: Application to construct a detached pole barn on Lot 5, Block 1, Tetley Ranches Subdivision 33-139-102 (4125 Tetly Rd SW). Property is zoned residential. The zoning board approved this application. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Steven Klym: Application for a variance to allow a cabin in an agricultural district in the N1/2NE1/4 22-140-100 (3309 134<sup>th</sup> Ave SW). Cabin will be for employee housing. If they plan on putting on larger home later, they must apply to subdivide the property and rezone it to residential. The zoning board approved the variance to allow the cabin under 900 square feet. Sewer, Water, and setbacks are in line. Kessel moved to uphold the zoning board decision conditional upon if the cabin is eventually sold, it must be surveyed to 5 acres. Kasian seconded. All voted aye.

Theodore Roosevelt Medora Foundation: Application for the development of a major subdivision on a 57 acre tract of land in Lots 1-2 & S1/2NE1/4 of section 3-139-102. The tract of land is located at the southwest intersection of Sully Creek Rd & East River Rd S. The Board reviewed the final plat for Sully Creek Subdivision which contains 11 residential lots ranging in size from 2.14 acres to 7.15 acres. Southwest water permits have been approved. The Foundation paid the in-lieu park dedication fee of \$4400.00 which is \$400/lot. The zoning board approved the application conditional upon the utilities easements being approved and the 36' road width. Discussion ensued regarding a turnaround for Lot 3 and paving. The Theodore Roosevelt Medora Foundation had the existing road surveyed and will resurface. Kasian moved to approve the final plat conditional upon changing to 36' wide road, and putting in a turnaround for Lot 3. Kessel seconded. All voted aye.

The board received and approved the following permits after zoning director went over updated applications:

Construction in County Right-of-Way Permits

- Roughrider Electric – SE1/4SE1/4 Section 28-139-100 and SW1/4SW1/4 Section 27-139-100 crossing County Road 135<sup>th</sup> Ave SW
- Midstate Telephone Company – Section 19-140-102 along Old Highway 10 with conditions as stated on road supervisor report of boring 15 feet below roadway and attempt to consolidate lines for ditch cleaning and \$25.00 permit fee to be paid.
- Whiting Oil & Gas Corp – Section 14-140-100 along county road 32<sup>nd</sup> Street SW – along NFSR 751 with conditions as stated on road supervisor report.

- Whiting Oil & Gas Corp – Section 10-140-100 along county road 32<sup>nd</sup> Street SW – along NFSR 751 with conditions as stated on road supervisor report.
- Consolidated – Numerous locations in District 3 to place Fiber Optic Cable.
- Consolidated – Numerous locations in District 2 Belfield Exchange to place Fiber Optic Cable.
- Consolidated – Numerous locations in District 1 to place Fiber Optic Cable.
- Consolidated – Numerous locations in District 2 South Heart Exchange to place Fiber Optic Cable.

Pipeline Permits

- Steven Klym/Berger Electric – Section 22-140-100 across 134<sup>th</sup> Ave SW.

Pat Rummel approached the board for pre-approval of the contract for the automatic emergency notification system. This is a multi-county agreement with 24 counties utilizing state radio. Kasian moved to pre-approve the agreement to go ahead with the automatic emergency notification system. Kessel seconded. All voted aye.

Rummel also shared with the board a citizen “note of thanks” to the ambulance service.

Craig Kubas with Kadrmas Lee & Jackson met with the board for the monthly engineers report. .

The board recessed from 12:00 to 1:00 P.M.

District 2 used equipment bid opening for a DuraPatcher & DuraTank. One bid was received by Swanston Equipment from Bismarck, ND. Durapatcher \$35,000, Duratank \$10,000 for a total of \$45,000.00. Kasian moved to table this bid until the next meeting. Kessel seconded. All voted aye.

Doug Ellison and Russell Sorenson presented the Medora Wastewater Treatment Facility Plan. They requested an immediate financial commitment from the county as their deadline is April 30<sup>th</sup>, 2013. Kasian stated that the county needs to stick to their budget and the notice was too short. Kasian requested to table this until the next commissioner’s meeting. Ellison requested to be placed on the agenda for the next commissioner meeting May 7, 2013.

Gordon Gerbig with the Medora Grazing Association informed the board that they were in need of additional funding to replace a well in Ash Coulee. He requested that the county allow 25% of the grazing fees that the county would receive through the 2014 Bankhead Jones funding be allocated back to the Medora Grazing Association. This is an annual request and will not carry over to future years unless it is requested. Kessel moved to allow the additional 25% allocation to the Medora Grazing Association. Kasian seconded. All voted aye.

The board approved the revenue vouchers for the month of March: Recorder \$13,001.20; Zoning \$5,175.00; Court \$75.00.

Revenues for materials and/or services rendered in March: Public \$16.13 Map; ND Dept. of Trust Lands HUD Grant Reimbursement \$16,600.00.

Revenues for the month of March: Mineral Royalties \$255,302.46; Telecommunications Tax \$24,310.85; Highway Tax Distribution \$18,313.32; Oil & Gas Production Tax \$320,900.55; ND Adjutant General Grant Reimbursement \$10,581.00; ND Supreme Court Contract Clerk Payment \$1,636.00; Royalties \$97,669.73 ND State Library \$6,609.01; Interest \$4,451.34

The following claims were approved for payment:

| PAYEE                               | EXPLANATION                  | CHECK # | AMOUNT        | DEPT          |
|-------------------------------------|------------------------------|---------|---------------|---------------|
| Adams, Donna                        | Recorder – Travel Expense    | 004724  | \$ 54.24      |               |
| Advanced Collision Center           | Ambulance – Repairs          | 004725  | \$ 1,645.92   |               |
| Advanced Business Methods           | Recorder – Copier Contracts  | 004726  | \$ 17.92      |               |
| Alternative Sanitation              | Garbage Removal              | 004727  | \$ 220.00     | 1, 2, 3, W    |
| American Welding & Gas              | Shop Supplies                | 004728  | \$ 73.44      | 1             |
| Ameripride Linen Service            | Mat Rental                   | 004729  | \$ 128.66     | 2, 3          |
| Atlas Windshield Repair             | Windshield Replacement       | 004730  | \$ 715.00     | 2             |
| Billings County Auditor             | Tax Protest                  | 004731  | \$ 2,303.94   |               |
| Billings County Rural Fire District | Taxes                        | 004732  | \$ 8,107.89   |               |
| Billings County Historical Society  | Taxes                        | 004733  | \$ 417.52     |               |
| Billings County Pioneer             | Publishing                   | 004734  | \$ 694.96     | 2, G          |
| Billings County School District     | Sully Creek Sub-Division     | 004735  | \$ 4,400.00   |               |
| Billings County School District     | Taxes                        | 004736  | \$ 131,792.45 |               |
| Billings County Sheriff             | Sheriff – Travel Expenses    | 004737  | \$ 370.90     |               |
| Belfield Automotive Supply, Inc.    | Parts & Supplies             | 004738  | \$ 936.47     | 2, 3, G       |
| Best Energy                         | Propane                      | 004739  | \$ 3,281.25   |               |
| Blue Cross Blue Shield of N.D.      | Dental & Vision Premiums     | 004740  | \$ 2,445.00   | 1, 2, 3, W, G |
| Booke, Travis                       | Ambulance – Travel Expense   | 004741  | \$ 198.00     |               |
| Boots Bar & Grill                   | Ambulance – Training Expense | 004742  | \$ 305.75     |               |
| Bound Tree Medical, LLC             | Ambulance – Medical Supplies | 004743  | \$ 924.73     |               |
| Butler Machinery Co.                | Parts & Supplies             | 004744  | \$ 1,222.76   | 1, 3          |

|                                     |                                    |        |    |           |               |
|-------------------------------------|------------------------------------|--------|----|-----------|---------------|
| Carquest Auto Parts                 | Parts & Supplies                   | 004745 | \$ | 43.61     | 1             |
| Cassidy, MD, Dr. Michael            | Ambulance – Medical Direction      | 004746 | \$ | 5,000.00  |               |
| Cellular Communications             | Apple Iphone                       | 004747 | \$ | 299.92    | 3             |
| Cerkoney, Cathy                     | Zoning Meeting – Mileage           | 004748 | \$ | 84.55     |               |
| Certified Power, Inc.               | Parts & Repairs                    | 004749 | \$ | 2,109.90  | 2             |
| Challenger Industries, Inc.         | Parts & Supplies                   | 004750 | \$ | 757.71    | 3             |
| Creative Energy                     | Diesel Fuel & Shop Supplies        | 004751 | \$ | 18,947.33 | 1, 2, G       |
| Custom Cage                         | Sheriff – Prisoner Cage            | 004752 | \$ | 670.00    |               |
| Dacotah Paper Co.                   | Recorder – Copy Paper              | 004753 | \$ | 200.72    |               |
| Dakota Farm Equipment, Inc.         | Parts & Supplies                   | 004754 | \$ | 183.20    | 2             |
| Dakota Filter Supply                | Parts & Supplies                   | 004755 | \$ | 97.81     | 1             |
| Dakota Water Treatment              | Shop Supplies                      | 004756 | \$ | 25.00     | 1             |
| Dan’s Interstate Conoco             | Sheriff & Ambulance – Gas          | 004757 | \$ | 597.23    |               |
| Darby’s Welding & Machine, Inc.     | Machine Work                       | 004758 | \$ | 123.37    | 3             |
| Dell Marketing, LP                  | Sheriff – Computer Software        | 004759 | \$ | 1,910.40  |               |
| DF Lighting Company                 | Courthouse – Lighting Supplies     | 004760 | \$ | 948.96    |               |
| Dickinson Heating & Air             | Heater Repairs                     | 004761 | \$ | 249.00    | 2             |
| Dickinson Public Library            | Library Services                   | 004762 | \$ | 3,354.60  |               |
| Donut Hole                          | Ambulance – Training Expense       | 004763 | \$ | 18.99     |               |
| Electronic Communications           | Sheriff – Radio Set-up             | 004764 | \$ | 2,865.00  |               |
| Expressway Suites – Bismarck        | Ambulance – Training Expense       | 004765 | \$ | 329.85    |               |
| Fastenal Company                    | Parts & Supplies                   | 004766 | \$ | 123.98    | 2             |
| Ferguson Enterprises, Inc.          | Parts & Supplies                   | 004767 | \$ | 245.98    | 2             |
| General Steel & Supply              | Parts & Supplies                   | 004768 | \$ | 263.22    | 1             |
| George’s Tire, LTD.                 | Tires & Repair                     | 004769 | \$ | 2,929.00  | 2, 3          |
| Golden Valley County                | Social Service                     | 004770 | \$ | 10,474.97 |               |
| Hewlett Packard Company             | Sheriff - Computers                | 004771 | \$ | 8,631.00  |               |
| HR Collaborative                    | Auditor – H.R. Class Fees          | 004772 | \$ | 60.00     |               |
| J and J Operating, LLC              | Parts & Supplies                   | 004773 | \$ | 43.08     | 1             |
| Jamestown Communications            | Radio Equipment & Repair           | 004774 | \$ | 75.20     | 3, G          |
| Johnson, Joshua                     | Courthouse – Custodial Help        | 004775 | \$ | 1,012.00  |               |
| J P Steel & Supply, Inc.            | Iron Supplies                      | 004776 | \$ | 1,083.35  | 1             |
| Kadrmass, Lee, & Jackson, Inc.      | Engineering                        | 004777 | \$ | 31,532.16 | 1, 3          |
| Kasian, Michael E.                  | Commissioner – Mileage             | 004778 | \$ | 168.37    | 2             |
| Kessel, Anita                       | Zoning Meeting – Mileage           | 004779 | \$ | 90.20     |               |
| Kessel, Joseph L.                   | Commissioner – Mileage             | 004780 | \$ | 94.36     | 1             |
| Klang, Keri                         | Ambulance – Training Expenses      | 004781 | \$ | 39.00     |               |
| Kohler Communications, Inc.         | Gorham Tower Rental                | 004782 | \$ | 200.00    |               |
| Krush, Paul                         | Zoning Meeting – Mileage           | 004783 | \$ | 92.46     |               |
| Lamb, Marcia                        | Auditor – Travel Expense           | 004784 | \$ | 209.20    |               |
| LaPaglia, Patricia                  | Ambulance – Training Expense       | 004785 | \$ | 198.00    |               |
| Light and Siren                     | Sheriff – Supplies                 | 004786 | \$ | 71.76     |               |
| Little Falls Machine, Inc.          | Parts & Supplies                   | 004787 | \$ | 2,995.55  | 1             |
| Mac’s, Inc.                         | Shop Supplies                      | 004788 | \$ | 214.24    | 2, 3          |
| Mainstay Suites – Bismarck          | D.E.M. – Travel Expense            | 004789 | \$ | 77.00     |               |
| Mid-American Research Chemicals     | Courthouse – Maintenance Supplies  | 004790 | \$ | 121.78    |               |
| Medora Convenience Store            | Ambulance – Training Expense & Gas | 004791 | \$ | 191.92    |               |
| Medora, City of...                  | Taxes                              | 004792 | \$ | 12,947.30 |               |
| Midstate Telephone Company          | Courthouse – Telephone Service     | 004793 | \$ | 922.92    |               |
| Moser, Fern                         | Risk Mgmt. – Wellness Program      | 004794 | \$ | 200.00    |               |
| Missouri Valley Petroleum, Inc.     | Oil & Gas                          | 004795 | \$ | 5,948.98  | 3, G          |
| N.C.R.A.A.O.                        | Tax Director – Conference Fees     | 004796 | \$ | 520.00    |               |
| N.D. Association of Counties        | Auditor – ILG Class Fee            | 004797 | \$ | 110.00    |               |
| N.D. Association of Counties        | Taxes                              | 004798 | \$ | 81.94     |               |
| N.D. Association of Counties        | D & A Testing – Mileage            | 004799 | \$ | 31.08     | 1             |
| N.D. County Treasurer’s Association | Auditor – Membership Dues          | 004800 | \$ | 50.00     |               |
| N.D. Cowboy Hall of Fame            | Meeting Room – Maintenance         | 004801 | \$ | 200.00    |               |
| N.D.P.E.R.S.                        | Auditor – Education Program Fee    | 004802 | \$ | 20.00     |               |
| N.D.P.E.R.S.                        | Health Insurance Premium           | 004803 | \$ | 37,700.47 | 1, 2, 3, W, G |
| N.D. Sheriff & Deputies Association | Sheriff – Membership Dues          | 004804 | \$ | 50.00     |               |
| N.D. State Radio Communications     | D.E.M. – Permit Fees               | 004805 | \$ | 70.00     |               |
| N.D. State Treasurer                | Taxes                              | 004806 | \$ | 1,291.56  |               |
| N.D.A.C.O. Resources Group          | Recorder – Computer Support        | 004807 | \$ | 124.00    |               |
| N.D.A.C.O. Resources Group          | Courthouse – Technical Support     | 004808 | \$ | 2,787.00  |               |
| Nelson International                | Parts & Repairs                    | 004809 | \$ | 946.09    | 1, 2, 3       |
| Newby’s Ace Hardware                | Parts & Supplies                   | 004810 | \$ | 209.48    | 1, 3, G       |
| O’Brien Oilfield Service, Inc.      | Machine Work                       | 004811 | \$ | 77.64     | 3             |
| Off Road Software, Inc.             | Off Road GIS Software              | 004812 | \$ | 1,400.00  |               |
| Pemberton, Juliana                  | Tax Director – Travel Expense      | 004813 | \$ | 101.70    |               |
| Performance Truck Center            | Parts & Repairs                    | 004814 | \$ | 657.19    | 2             |
| Pitney Bowes                        | Postage Machine – Supplies         | 004815 | \$ | 30.48     |               |
| Pizza Ranch                         | Ambulance – Training Expense       | 004816 | \$ | 47.99     |               |
| Prairie Lumber Co.                  | Emergency Building – Partition     | 004817 | \$ | 2,535.78  | 3             |
| Prairie Supply, Inc.                | Shop Supplies                      | 004818 | \$ | 183.00    | 1             |
| Praxair                             | Shop Supplies                      | 004819 | \$ | 100.03    | 1             |
| Professional Printing               | Sheriff – Office Supplies          | 004820 | \$ | 282.00    |               |
| Ramkota Hotel – Bismarck            | Auditor – Travel Expenses          | 004821 | \$ | 138.00    |               |
| Rau Designs, Inc.                   | Ambulance – QRV Graphic Identifier | 004822 | \$ | 1,788.00  |               |
| RDO Equipment Co.                   | Parts & Repairs                    | 004823 | \$ | 3,415.60  | 2             |
| Redmond, Perry & Alicia             | Gravel Lease                       | 004824 | \$ | 1,500.00  | 1             |
| Roughrider Electric Cooperative     | Electricity                        | 004825 | \$ | 3,005.46  | 1, 2, 3, W, G |
| Rummel Auto Wrecking                | Ambulance & Shop Supplies          | 004826 | \$ | 122.50    | 1, G          |
| Rummel, Patrick                     | D.E.M. – Travel Expense            | 004827 | \$ | 39.00     |               |
| Runnings Supply, Inc.               | Parts & Supplies                   | 004828 | \$ | 896.56    | 1, 2, 3, G    |
| Sackman Electric & Controls         | Emergency Building – Electrical    | 004829 | \$ | 542.96    | 3             |
| Southwest Business Machines         | Office Supplies                    | 004830 | \$ | 64.14     |               |
| Service Printers                    | Weed – Newsletter Publishing       | 004831 | \$ | 675.00    |               |
| Stan’s Communications               | Ambulance – Radio Expense          | 004832 | \$ | 490.66    |               |
| Stein’s, Inc.                       | Courthouse – Maintenance Supplies  | 004833 | \$ | 171.10    |               |
| SuperPumper, Inc.                   | Ambulance – Gas                    | 004834 | \$ | 135.32    |               |

|                                     |                                    |        |    |           |               |
|-------------------------------------|------------------------------------|--------|----|-----------|---------------|
| Southwest Grain Cooperative         | Shop Supplies                      | 004835 | \$ | 451.92    | 2             |
| Southwestern District Health Unit   | Taxes                              | 004836 | \$ | 3,767.85  |               |
| Southwest Multi-Co. Correction Ctr. | Prisoner Care                      | 004837 | \$ | 1,570.00  |               |
| Southwest Water Authority           | Taxes                              | 004838 | \$ | 1,291.56  |               |
| Southwest Water Authority           | Water Usage                        | 004839 | \$ | 338.17    | 1, 2, 3, W    |
| Swanston Equipment Corp.            | Parts & Supplies                   | 004840 | \$ | 113.86    | 3             |
| Tczap, John                         | Zoning Meeting – Mileage           | 004841 | \$ | 45.00     |               |
| Thos. Y. Pickett & Co., Inc.        | Tax Director – Appraisal Contract  | 004842 | \$ | 10,000.00 |               |
| ThyssenKrupp Elevator               | Courthouse – Elevator Repair       | 004843 | \$ | 27,336.40 |               |
| Tom’s Service Center                | Sheriff – Oil-x, Service & Battery | 004844 | \$ | 243.55    |               |
| Total Safety US, Inc.               | Shop Supplies                      | 004845 | \$ | 58.39     | 1, 2          |
| Tyler Technologies, Inc.            | Recorder – Computer Supplies       | 004846 | \$ | 70.00     |               |
| Ultramax                            | Sheriff – Equipment                | 004847 | \$ | 399.00    |               |
| U.P.S. Store                        | Shipping Services                  | 004848 | \$ | 28.85     | 3             |
| Verizon Wireless                    | Cellular Services                  | 004849 | \$ | 1,089.76  | 2, 3, G       |
| Volesky Construction                | Emergency Building – Partition     | 004850 | \$ | 3,874.22  | 3             |
| Wal-Mart                            | Courthouse – Supplies              | 004851 | \$ | 243.91    |               |
| Westlie Crossroads Truck Center     | Parts & Supplies                   | 004852 | \$ | 346.48    | 1, 3          |
| Centurylink                         | Telephone Service                  | 004908 | \$ | 520.38    | 1, 2, 3, G    |
| Consolidated                        | 911 Changes & Internet Service     | 004909 | \$ | 227.21    | 2, 3, W, G    |
| Dakota Insurance                    | Property Insurance Renewal         | 004910 | \$ | 71,282.00 | 1, 2, 3, W, G |
| Discovery Benefits, Inc.            | Flex Plan – Administrative Fee     | 004911 | \$ | 83.00     |               |
| Information Technology Dept.        | Sheriff – T-1 Line                 | 004913 | \$ | 461.60    |               |
| Job Service North Dakota            | Unemployment Taxes                 | 004914 | \$ | 1,587.69  | 1, 2, 3, W, G |
| Medora, City of...                  | Courthouse – Utilities             | 004915 | \$ | 200.42    |               |
| N.D.P.E.R.S.                        | Retirement Contributions           | 004918 | \$ | 23,411.91 | 1, 2, 3, W, G |
| Reservation Telephone               | Telephone Service                  | 004922 | \$ | 44.23     | 2, 3, G       |
| Roosevelt-Custer Regional Council   | Mitigation Plan                    | 004923 | \$ | 4,617.31  |               |
| Verizon                             | Ambulance – Cellular Service       | 004924 | \$ | 30.06     |               |
| Visa                                | Ambulance – Training, etc.         | 004925 | \$ | 1,609.73  |               |

Payroll in the following amounts were approved for March: General Fund \$103,864.79; Road and Bridge Fund \$83,029.56; Weed Fund \$3,949.75.

With there being no further business, Kasian moved to adjourn the meeting 2:20 P.M. Kessel seconded. All voted aye.

James Arthaud, Chairman

Attest: \_\_\_\_\_

Marcia Lamb, Auditor/Treasurer